

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-23. Claims 1, 13, 16 and 19-23 are amended herein, and new claim 24 is added. No new matter is presented. Thus, claims 1-24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,007 (Hammond).

The message review server (MRS) in Hammond tracks whether each message has been delivered to each recipient and uses the message delivery information to resend the messages whose delivery was not verified to be successful. For example, a sender can request to resend a message to a recipient if a delivery notification is not received within a specified period of time (see, col. 3, lines 12-30). That is, a sender using the Hammond system is limited to initially specified delivery information dictating actions to be taken based on information prior to sending of the message (i.e., the sender is required to manually change the delivery information if a condition occurs subsequent to sending of the message).

In contrast to Hammond, the disclosed system and method allows a priority of delivery destinations to be dynamically adjusted. For example, if a message was successfully delivered to a recipient using a mobile phone delivery, a new message sent to the recipient a short time later may be sent using the mobile phone delivery (i.e., even when another delivery mechanism may have had a higher priority on the list of mechanisms).

Independent claim 1, recites, "creating, by a sender of the message, a priority table of delivery devices based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message." Claim 1 also recites, "continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table responsive to a dynamic determination of reachability of the recipient" and send the message until the recipient receives the message. Independent claims 13, 16 and 19 recite similar features.

Independent claim 20 recites, "adaptively cycling through delivery attempts to the delivery devices responsive to a dynamic determination of reachability of the message to the recipient until the message is delivered in accordance with priorities of the priority table and said dynamic determination."

Similarly, claims 21-23 recite a message delivery method adaptively changing or prioritizing delivery mechanisms and destinations of a recipient based on "a dynamic determination of reachability of the recipient" including priority specified by the sender until successful delivery of the message to the recipient.

The Hammond system limited to delivery information dictating actions to be taken based on information prior to sending of the message does not teach or suggest the above-discussed features recited in claims 1, 13 and 19-23.

It is submitted that the independent claims are patentable over Hammond.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Hammond. The dependent claims are also independently patentable. For example, as recited in claim 9, "the priority table is configured in a way that a first delivery device selected to send a current message is a same type of device as the type of device used by the sender to create the message." Hammond does not teach or suggest these features of claim 9.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 24 has been added to recite, "creating a list of delivery destinations having a first order of devices of a recipient based on an input by a sender and sending a message based on the first order." Claim 24 further recites, "dynamically adjusting the first order to create a second order of the devices in response to unsuccessful delivery of the message and a current determination of reachability of the recipient and sending the message based on the second order."

Hammond does not teach or suggest, "a first order of devices" including "dynamically adjusting the first order to create a second order of the devices in response to unsuccessful delivery of the message and a current determination of reachability of the recipient and sending the message based on the second order", as recited in claim 24.

It is submitted that new claim 24 is patentably distinguishable over Hammond.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 09/842,352

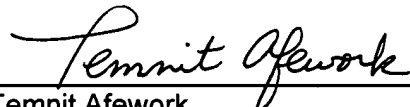
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 09/05/2006

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